



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

R. Douglas Meckes, DVM  
State Veterinarian

October 3, 2018

Stan Kiser  
County Manager  
P. O. Box 2200  
Lenoir, NC 28645  
Via Hand Delivery

**NOTICE OF CIVIL PENALTY**

**Re: CIVIL PENALTY ASSESSMENT FOR VIOLATION OF TITLE 02 N.C.  
ADMINISTRATIVE CODE (NCAC), CHAPTER 52J SECTION .0210(c).**

**AWS-CP-2018-11**

**Facility: Caldwell County Animal Care and Control Shelter  
Registration License #61**

Dear County Manager Kiser:

Pursuant to N.C. General Statute § 19A-40, I am issuing this notice to you that Caldwell County is hereby assessed a civil penalty of \$1,000.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to N.C. General Statute § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may contact me by telephone at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

## **PAYMENT**

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services  
Dr. Patricia Norris  
Director, Animal Welfare Section  
1030 Mail Service Center  
Raleigh, NC 27699-1030

## **APPEAL**

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. General Statute § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 60 days of your receipt of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to OAH. Should you have any questions about what the fee would be for your case, please contact the OAH Clerk's Office at 919-431-3000. Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone at 919-431-3000.

You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse  
North Carolina Department of Agriculture and Consumer Services  
Registered Agent and General Counsel  
1001 Mail Service Center  
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Norris', with a long horizontal line extending to the right.

Patricia Norris, DVM, MS  
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: R. Douglas Meckes, DVM, State Veterinarian  
Tina Hlabse, General Counsel, NCDA&CS  
Joe Reardon, Assistant Commissioner, NCDA&CS  
Christopher R. McLennan, Assistant Attorney General

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT  
OF AGRICULTURE AND CONSUMER  
SERVICES, VETERINARY DIVISION  
ANIMAL WELFARE SECTION

IN THE MATTER OF

CALDWELL COUNTY ANIMAL  
CARE AND CONTROL SHELTER

) NOTICE OF VIOLATION AND  
) ASSESSMENT OF CIVIL PENALTY  
) FOR VIOLATION OF 02 N.C.  
) ADMINISTRATIVE CODE (NCAC)  
) CHAPTER 52J, SECTION .0210(c).  
)

Acting pursuant to N.C. General Statute § 19A-40, Dr. Patricia Norris, Director, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") makes the following:

**FINDINGS OF FACT**

1. At all times pertinent to this matter, Caldwell County Animal Care and Control Shelter ("the shelter") operated by Caldwell County was an animal shelter, registered pursuant to N.C. General Statute ("NCGS") § 19A-26.
2. On September 20, 2018, AWS Animal Health Technician Lindsey Harris ("Inspector Harris") conducted a facility compliance inspection ("FCI"). The records-review portion of the FCI revealed:
  - a) a female German Shepherd (ID#39576900) ("the GS") was impounded at the shelter on September 4, 2018 at 4:45 AM;
  - b) the intake record noted "HBC Internal Injury" indicating at the time of impound, the officer knew the animal had been hit by a car (HBC) and knew or suspected the dog had internal injuries;
  - c) the animal's record does not indicate that any veterinary care was provided to this dog despite the officer's knowledge that the animal was injured;
  - d) the GS was found deceased at 8 AM on September 4, 2018 by the shelter staff.
3. As a result of the findings of the records-review portion of the FCI, Inspector Harris conducted an investigation. The investigation findings include:
  - a) the GS was unable to use her hindlegs at the time of impound;
  - b) the impounding officer is a Certified Euthanasia Technician ("CET") who could have euthanized the dog at the time of impound to alleviate her suffering;
  - c) the impounding officer texted his supervisor advising that the dog was "Not doing good" but did not attempt to contact the veterinarian or take the animal to the emergency veterinary hospital;
  - d) the shelter's 2018-2019 Program of Veterinary Care states that if an animal is injured and it is after normal hours, the animal is seen by Dr. Thuss (veterinarian) and upon his recommendation taken to the Veterinary Referral Hospital of Hickory for veterinary care;
  - e) an interview with Dr. Thuss revealed that he was unaware of this dog and her condition until the interview;

## CONCLUSIONS

To the extent that the Findings of Fact contain Conclusion of Law, based on the findings of this investigation, AWS concludes that the shelter, either by act or omission, violated the following provisions:

02 NCAC 52J .0210(c) for failing to provide veterinary care or euthanize injured animals as evidenced by the injured female German Shepherd impounded on September 4, 2018 that was not provided with veterinary care or euthanized. The dog died while in the care and custody of the shelter.

(See Appendix for text of referenced General Statutes and Administrative Code)

## CIVIL PENALTIES

As required by N.C. General Statute § 19A-40, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.


Accordingly, Caldwell County is hereby assessed a civil penalty for the following violation:

\$1,000.00 for failing to provide veterinary care or euthanize an injured animal on September 4, 2018.

**\$1,000.00 TOTAL AMOUNT ASSESSED**

Continued or future violation of the statutes or regulations referenced in this letter and the attached inspection reports will be considered a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's license pursuant to NC General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NC General Statute § 19A-40.

10/3/2018  
Date

  
\_\_\_\_\_  
Patricia Norris, DVM, MS  
Director, Animal Welfare Section  
North Carolina Department of  
Agriculture & Consumer Services

## Appendix

### REFERENCED LAWS AND REGULATIONS

#### **§ 19A-30. Refusal, suspension or revocation of certificate or license.**

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

#### **§ 19A-40. Civil Penalties.**

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

**02 NCAC 52J .0210        VETERINARY CARE**

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

*History Note:        Authority G.S. 19A-24;  
                         Eff. April 1, 1984;  
                         Amended Eff. March 23, 2009; January 1, 2005.*

**Animal Welfare Section  
NC Department of Agriculture and Consumer Services  
1030 Mail Service Center  
Raleigh, NC 27699-1030**

Phone: (919) 707-3280 Fax: (919) 733-6431  
Email: [agr.aws@ncagr.gov](mailto:agr.aws@ncagr.gov)  
Website: [www.ncaws.com](http://www.ncaws.com)

**Facility Compliance Inspection - Animal Shelter**

Facility Name: CALDWELL CO. ANIMAL CARE&CONTROL SHELTER		License Number: 61
Owner: CALDWELL CO. ANIMAL CARE&CONTROL SHELTER		
Address: 829 FAIRVIEW DRIVE SW		
City: LENIOR	Zip Code: 28645	
County: CALDWELL		
Phone: (828)757-8625	Email: JMULLINAX@CALDWELLCOUNTYNC.ORG	
Latitude: 35.89296	Longitude: -81.559	
Total Enclosures: 36		
Dogs on Premise: 3	Cats on Premise: 21	
Licensed Capacity (Dogs): 125	Licensed Capacity (Cats): 60	
Type of Inspection: Annual Inspection	Date of Inspection: 09/19/2018	

**02 NCAC 52J .0101 RECORDS**

1. origin and date received. [02 NCAC 52J .0101(1)] - In Compliance
2. description [02 NCAC 52J .0101(2)] - In Compliance
3. location [02 NCAC 52J .0101(3)] - In Compliance
4. disposition of animals
  - o name and address of person [02 NCAC 52J .0101(4)] - In Compliance
  - o death - date, signs of illness, or cause of death if identified [02 NCAC 52J .0101(4)] - In Compliance
  - o date and type of euthanasia [02 NCAC 52J .0101(4)] - In Compliance
5. record of veterinary care. [02 NCAC 52J .0101(5)] - In Compliance

**02 NCAC 52J .0103 INSPECTION OF RECORDS**

1. Records available upon request. [02 NCAC 52J .0103] - In Compliance
2. Animals matched to record. [02 NCAC 52J .0103] - In Compliance
3. Records retained for 1 year; [02 NCAC 52J .0103]; see section for §19A-32.1(j) for records to be retained for 3 years - In Compliance

**02 NCAC 52J .0201 GENERAL**

1. Housing facilities structurally sound and maintained in good repair. [02 NCAC 52J .0201(a)] - In Compliance
2. Housing facilities contain the animals and restrict entry of other animals and people. [02 NCAC 52J .0201(a)] - In Compliance
3. Light fixtures and electrical outlets in animal areas in compliance with the State Building Code. [02 NCAC 52J .0201(b)] - In Compliance
4. Electric power reliable and safe. [02 NCAC 52J .0201(c)] - In Compliance
5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - In Compliance
6. Open bags of food stored in airtight containers with lids. [02 NCAC 52J .0201(d)] - In Compliance
7. Refrigeration for perishable food. [02 NCAC 52J .0201(d)] - In Compliance
8. Daily removal and disposal of animal and food waste, bedding and debris; facility maintained in a clean and sanitary manner. [02 NCAC 52J .0201(e)] - In Compliance
9. Hot and cold running, potable water available. [02 NCAC 52J .0201(f)] - In Compliance
10. Washroom, basin or sink provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles. [02 NCAC 52J .0201(f)] - In Compliance
11. Ability to confirm ambient temperature. [02 NCAC 52J .0201(g)] - In Compliance
12. A separate five-foot perimeter fence if any animals have access to an outdoor enclosure, including unsupervised exercise areas. [02 NCAC 52J .0201(h)] - In Compliance
13. Adequate drainage system. [02 NCAC 52J .0201(i)] - In Compliance
14. All areas of a facility available for review or inspection during normal business hours. [02 NCAC 52J .0201(j)] - In Compliance
15. All animals in a facility subject to the requirements of the Animal Welfare Act, regardless of ownership. [02 NCAC 52J .0201(k)] - In Compliance
16. Compliance with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility. [02 NCAC 52J .0201(l)] - In Compliance



17. No dog or cat present in a window display except during business hours and in compliance with standards set forth in this Section. [02 NCAC 52J .0201(m)] - In Compliance

## 02 NCAC 52J .0202 INDOOR FACILITIES

1. Indoor housing facilities adequately heated and cooled. [02 NCAC 52J .0202(a)] - In Compliance
2. Ambient temperature between 50°F and 85°F. [02 NCAC 52J .0202(a)] - In Compliance
3. Indoor housing facilities adequately ventilated. [02 NCAC 52J .0202(b)] - In Compliance
4. Fresh air and ventilation provided and drafts minimized. [02 NCAC 52J .0202(b)] - In Compliance
5. Air flow adequate to minimize odors and moisture condensation. [02 NCAC 52J .0202(b)] - In Compliance
6. Indoor housing facilities adequately illuminated. [02 NCAC 52J .0202(c)] - In Compliance
7. Illumination provides regular diurnal lighting cycles and be uniformly diffused [02 NCAC 52J .0202(c)] - In Compliance
8. Interior building surfaces are impervious to moisture and can be readily sanitized. [02 NCAC 52J .0202(d)] - Needs Improvement
9. Drainage rapidly eliminates excess water. [02 NCAC 52J .0202(e)] - In Compliance
10. Closed drain systems equipped with traps and installed to prevent odors and backup of sewage. [02 NCAC 52J .0202(e)] - In Compliance
11. The drainage system constructed to prevent cross-contamination among animals. [02 NCAC 52J .0202(e)] - In Compliance

**#8 - Floors in the intake room have areas that are peeling and chipping. Reseal floors to insure they are impervious to moisture. #8 - A sticky substance is noted in the walkway of the main canine enclosure area. Mrs. Mullinax indicated that 'grit' was added to the floor because after resealing the floor became very slick. This sticky substance has trapped hair and other debris and cannot be readily cleaned and sanitized. County maintenance indicated that plans include removing the sticky substance with degreaser and then evaluating if the underlying surface remains impervious to moisture. If the floors are impervious to moisture then no further action will be taken. If the floors need resealing then plans are to reseal this area promptly.**

## 02 NCAC 52J .0203 OUTDOOR FACILITIES

1. Primary enclosures and walkways constructed of sealed concrete or other surfaces impervious to moisture. [02 NCAC 52J .0203(a)] - In Compliance
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - In Compliance
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - In Compliance
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - In Compliance
5. One house available for each animal within each enclosure unless the animals are a mother and her unweaned offspring. [02 NCAC 52J .0203(b)] - In Compliance
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - In Compliance
7. Suitable method of drainage provided. [02 NCAC 52J .0203(c)] - In Compliance

## 02 NCAC 52J .0204 PRIMARY ENCLOSURES

1. Primary enclosures constructed prevent contamination from waste and wastewater from animals in other enclosures. [02 NCAC 52J .0204(a)] - In Compliance
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - In Compliance
3. For primary enclosures placed into service on or after January 1, 2005, no wood within the animal's reach. [02 NCAC 52J .0204(a)] - In Compliance
4. For primary enclosures in use in a registered facility prior to January 1, 2005, any damaged wood replaced so that so that there's no contact with wood by the animal. [02 NCAC 52J .0204(a)] - In Compliance
5. Primary enclosures structurally sound, maintained in good repair and in a manner to prevent injury to animals, and keep other animals out. [02 NCAC 52J .0204(b)] - In Compliance
6. Primary enclosures provide space to allow animal to walk, turn about freely, and to easily stand, sit, or lie in a natural position. [02 NCAC 52J .0204(b)] - In Compliance
7. The height of primary enclosures other than cage no less than five feet. [02 NCAC 52J .0204(b)] - In Compliance
8. All enclosures constructed as to prevent the escape of animals. [02 NCAC 52J .0204(b)] - In Compliance
9. Each primary enclosure provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. [02 NCAC 52J .0204(c)] - In Compliance
10. All resting surfaces made of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. [02 NCAC 52J .0204(c)] - In Compliance
11. The resting surface or surfaces be elevated in primary enclosures housing two or more cats. [02 NCAC 52J .0204(c)] - In Compliance
12. In addition to Paragraph (b) of 02 NCAC 52J .0204, each dog shall be provided with the minimum square footage required by 02 NCAC .0204(d). [02 NCAC 52J .0204(d)] - In Compliance
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - In Compliance
14. If more than four dogs are housed in a common area or enclosure, then at least one person supervising each 10 dogs housed within each enclosure or common area. [02 NCAC 52J .0204(e)] - In Compliance
15. In addition to Paragraph (b) of 02 NCAC 52J .0204, each feline older than six months housed in any primary enclosure provided with a minimum of 4sq ft. of floor space which may include elevated resting surfaces. [02 NCAC 52J .0204(f)] - In Compliance
16. Each feline younger than 6 months provided 1.5 sq. ft. [02 NCAC 52J .0204(f)] - In Compliance
17. No more than 12 cats housed in the same primary enclosure. [02 NCAC 52J .0204(f)] - In Compliance
18. In all cat enclosures, receptacle with clean litter provided for waste. [02 NCAC 52J .0204(g)] - In Compliance
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - In Compliance

## 02 NCAC 52J .0205 FEEDING

Dogs and cats fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. [02 NCAC 52J .0205(a)]

1. Food is commercially prepared food complying with laws applicable to animal feed or the food provided by the owner. [02 NCAC 52J .0205(a)] - In Compliance
2. The food is free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal meeting the daily requirements for nutritional value. [02 NCAC 52J .0205(a)] - In Compliance

3. Puppies and kittens less than six months of age fed at least twice in each 24-hour period. An eight-hour interval between feedings if only two feedings are offered in a 24-hour period. [02 NCAC 52J .0205(a)] - In Compliance
4. Food receptacles accessible to all dogs or cats. [02 NCAC 52J .0205(b)] - In Compliance
5. Food receptacles located to minimize contamination by waste. [02 NCAC 52J .0205(b)] - In Compliance
6. For every adult animal, at least one food receptacle offered. [02 NCAC 52J .0205(b)] - In Compliance
7. Food receptacles durable, clean and sanitized. [02 NCAC 52J .0205(b)] - In Compliance
8. Damaged receptacles replaced. [02 NCAC 52J .0205(b)] - In Compliance
9. Disposable food receptacles discarded after each feeding. [02 NCAC 52J .0205(b)] - In Compliance
10. Food and water receptacles in outdoor facilities protected from the elements. [02 NCAC 52J .0205(c)] - In Compliance

## **02 NCAC 52J .0206 WATERING**

1. Continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. [02 NCAC 52J .0206] - In Compliance
2. Watering receptacles durable, clean and sanitized. [02 NCAC 52J .0206] - In Compliance
3. Damaged receptacles replaced. [02 NCAC 52J .0206] - In Compliance

## **02 NCAC 52J .0207 SANITATION**

1. Waste removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats and to reduce disease hazards and odors. [02 NCAC 52J .0207(a)] - In Compliance
2. Enclosures and exercise areas for dogs and cats properly cleaned a minimum of two times per day. [02 NCAC 52J .0207(a)] - In Compliance
3. The animal must be able to walk or lie down without coming in contact with any waste or debris. [02 NCAC 52J .0207(a)] - In Compliance
4. When a hosing or flushing method is used for cleaning an enclosure, animals are removed during the cleaning process, and measures taken to protect the animals in other such enclosures from being contaminated with water and other wastes. [02 NCAC 52J .0207(a)] - In Compliance
5. Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories sanitized in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
6. In addition to primary enclosures being properly cleaned a minimum of two times per day, if the same animal is housed in the same enclosure more than seven days, enclosures and accessories sanitized at least once every seven days in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
7. Cages, rooms and hard-surfaced pens or runs be sanitized by:
  - washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or - In Compliance
  - washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or - In Compliance
  - cleaning all soiled surfaces with live steam. [02 NCAC 52J .0207(3)(A-C)] - In Compliance
8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - In Compliance
9. Soiled linens and cloth products mechanically washed with detergent and sanitized. [02 NCAC 52J .0207(b)(5)] - In Compliance
10. Any area accessible to multiple animals kept clean and sanitary. [02 NCAC 52J .0207(b)(6)] - In Compliance
11. Premises (buildings and grounds) kept clean and in good repair to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. [02 NCAC 52J .0207(c)] - In Compliance
12. Premises are free of accumulations of trash, junk, waste products, and discarded matter. [02 NCAC 52J .0207(c)] - In Compliance
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - In Compliance
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - In Compliance

## **02 NCAC 52J .0208 EMPLOYEES**

1. Sufficient number of employees. [02 NCAC 52J .0208] - In Compliance
2. Supervision of an animal caretaker who has a background in animal husbandry or care. [02 NCAC 52J .0208] - In Compliance

## **02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION**

1. Animals in the same primary enclosure maintained in compatible groups. [02 NCAC 52J .0209] - In Compliance
2. Females in season (estrus) not be housed in the same primary enclosure with males except for planned breeding. [02 NCAC 52J .0209(1)] - In Compliance
3. Breeding not allowed in animal shelters. [02 NCAC 52J .0209(1)] - In Compliance
4. Aggressive animals housed individually in a primary enclosure. [02 NCAC 52J .0209(2)] - In Compliance
5. Puppies or kittens less than four months of age housed in the same primary enclosure with adults without written permission. [02 NCAC 52J .0209(3)] - In Compliance
6. Puppies or kittens between 4 and 16 weeks of age have daily access to human social interaction. [02 NCAC 52J .0209(3)] - In Compliance
7. Dogs not housed in the same primary enclosure with cats; dogs or cats not housed in the same primary enclosure with any other species of animals without written permission. [02 NCAC 52J .0209(4)] - In Compliance
8. Designated isolation area for animals being treated or observed for communicable diseases. [02 NCAC 52J .0209(5)] - In Compliance
9. Dogs or cats in isolation that are being treated for a communicable disease separated as to minimize dissemination of disease. [02 NCAC 52J .0209(5)] - In Compliance
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - In Compliance
11. Animals in long term care:
  - Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - In Compliance
  - Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - In Compliance
  - A species and size-appropriate toy, unless it poses a health threat. [02 NCAC 52J .0209(6)(c)] - In Compliance
12. All animals confined in primary enclosures or exercise areas. [02 NCAC 52J .0209(7)] - In Compliance

## **02 NCAC 52J .0210 VETERINARY CARE**

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - In Compliance
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - In Compliance
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - In Compliance
4. Sick or diseased, injured, lame, or blind dogs or cats provided with veterinary care [02 NCAC 52J .0210(c)] - Not In Compliance
5. If euthanasia is performed, a list of personnel approved to perform euthanasia maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. [02 NCAC 52J .0210(c)] - In Compliance
6. Diseased or deformed animals sold or adopted only under the policy set forth in the "Program of Veterinary Care." [02 NCAC 52J .0210(c)] - In Compliance
7. Full written disclosure of the medical condition provided to the new owner. [02 NCAC 52J .0210(c)] - In Compliance
8. All animals in a licensed or registered facility in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. [02 NCAC 52J .0210(d)] - In Compliance
9. However, rabies vaccine not required for any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days. [02 NCAC 52J .0210(d)] - In Compliance

#### Investigation Pending

#### 02 NCAC 52J .0301 VEHICLES

1. Vehicles mechanically sound. [02 NCAC 52J .0301(a)] - In Compliance
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - In Compliance
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - In Compliance
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - In Compliance

#### 02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

1. Primary enclosures constructed, ventilated and designed to protect the health and insure the safety of the animals. [02 NCAC 52J .0302(a)] - In Compliance
2. Such enclosures constructed or positioned so that:
  - Each animal in the vehicle has sufficient fresh air for normal breathing. [02 NCAC 52J .0302(a)(1)] - In Compliance
  - The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - In Compliance
  - The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - In Compliance
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - In Compliance
4. The animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms. [02 NCAC 52J .0302(a)] - In Compliance
5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - In Compliance
6. Puppies or kittens less than 4 months of age not be transported in the same primary enclosures with adults other than their dams. [02 NCAC 52J .0302(b)] - In Compliance
7. Primary enclosures for transport large enough for each animal to turn about freely, and to easily stand, sit or lie down in a natural position. [02 NCAC 52J .0302(c)] - In Compliance
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - In Compliance
9. Animals not be placed in primary enclosure over other animals in transit unless such enclosures is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - In Compliance
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302(e)] - In Compliance

#### 02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

1. If animals are transported for more than 12 hours:
  - The vehicles stop at least once every 12 hours for a period of 1 hour. During the 1-hour stop, potable water continuously provided for dogs and cats. [02 NCAC 52J .0303(1)] - In Compliance
  - Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303(2)] - In Compliance
  - Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)] - In Compliance
  - Dogs removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours. [02 NCAC 52J .0303(3)] - In Compliance

#### 02 NCAC 52J .0304 CARE IN TRANSIT

1. The attendant or driver inspects animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed. [02 NCAC 52J .0304] - In Compliance

#### §19A-32.1 MINIMUM HOLDING PERIOD

1. All animals held for a minimum holding period (MHP) of 72 hours. [§19A-32.1(a)] - In Compliance
2. Animal made available for adoption unless exempted by §19A-32.1(b)(1-3). [§19A-32.1(a)] - In Compliance
3. Seriously ill or injured animal euthanized before the expiration of the MHP: a) Determination in writing from the animal shelter manager; and b) the writing includes the reason for the determination. [§19A-32.1(b)(2)] - In Compliance
4. Viewing for lost pet: a) entitled to view every animal; and b) at least 4 hours a day, 3 days a week. [§19A-32.1(c)] - In Compliance
5. Reasonable arrangements allow pet owners to determine whether their lost pets are amongst animals in restricted areas. [§19A-32.1(c)] - In Compliance
6. Fostering during MHP: at least 1 photograph displayed in a conspicuous location. [§19A-32.1(d)] - In Compliance
7. Foster care policies. [§19A-32.1(e)] - In Compliance
8. Owner surrendered and not reclaimed during the MHP: a) be returned to the owner, b) adopted, or c) euthanized. [§19A-32.1(f)] - In Compliance
9. Owner surrender disposed of before the expiration of the MHP: a) proof of ownership provided; and b) signed written consent to the disposition before the expiration of the MHP. [§19A-32.1(g)] - In Compliance
10. Owner surrender: statement in writing whether the dog has bitten any individual within the previous 10 days. [§19A-32.1(h)] - In Compliance

11. The person to whom an animal is released presents a valid form of government-issued photographic identification. [§19A-32.1(i)] - In Compliance
12. Documentation of the name of the person, the type of ID and the ID number. [§19A-32.1(i)] - In Compliance
13. Record of all animals impounded at the shelter maintained. [§19A-32.1(j)] - In Compliance
14. Retain the animal records for at least 3 years from the date of impoundment. [§19A-32.1(j)] - In Compliance
15. Animal records available for inspection during regular inspection or upon request of AWS. [§19A-32.1(j)] - In Compliance
16. Records contain at a minimum: date of impoundment, length of impoundment, disposition of each animal, name and address of person to whom the animal was released, any institution that person represents, and the identifying information; other information required by rules adopted by the Bd of Ag. [§19A-32.1(j)(1-4)] - In Compliance

#### **02 NCAC 52J .0418 DUTIES OF CET**

1. Prepare animals for euthanasia. [02 NCAC 52J .0418(1)] - Not Applicable
2. Record animal id and number, species, sex, breed, date, dosages used and amounts wasted [02 NCAC 52J .0418(2)] - In Compliance
3. Order euthanasia supplies. [02 NCAC 52J .0418(3)] - In Compliance
4. Maintain security of controlled substances and other drugs. [02 NCAC 52J .0418(4)] - In Compliance
5. Directly supervise probationary Euthanasia technicians. [02 NCAC 52J .0418(5)] - Not Applicable
6. Report violations or suspicions of a rule violation. [02 NCAC 52J .0418(6)] - In Compliance
7. Properly euthanize animals. [02 NCAC 52J .0418(7)] - Not Applicable
8. Properly dispose of euthanized animals. [02 NCAC 52J .0418(8)] - In Compliance
9. Properly dispose of expired drugs and used euthanasia materials/equipment [02 NCAC 52J .0418(8)] - In Compliance
10. Notify AWS of CET separation from facility. [02 NCAC 52J .0418(10)] - In Compliance

**No animals were scheduled for euthanasia at the time of inspection.**

#### **02 NCAC 52J .0501 INTRACARDIAC INJECTION**

1. IC injection only on anesthetized or heavily sedated animals. [02 NCAC 52J .0501] - Not Applicable

**No animals were scheduled for euthanasia at the time of inspection.**

#### **02 NCAC 52J .0705 REPORTS OF EUTHANASIA UNDER EXTRAORDINARY CIRCUMSTANCES**

1. Report prepared of euthanasia under extraordinary circumstances. [02 NCAC 52J .0705] - In Compliance
2. Reports kept for 2 years. [02 NCAC 52J .0705] - In Compliance
3. Report includes date, time, animal id, person performing the euthanasia, euthanasia method, and justification of extraordinary circumstances [02 NCAC 52J .0705] - In Compliance

#### **02 NCAC 52J .0801 EUTHANASIA MANUAL REQUIRED**

1. Facility has current policy and procedure euthanasia manual. [02 NCAC 52J .0801] - In Compliance

#### **02 NCAC 52J .0802 CONTENTS OF EUTHANASIA MANUAL**

1. Manual includes shelter's equipment, and process. [02 NCAC 52J .0802] - In Compliance

#### **02 NCAC 52J .0803 ADDITIONAL CONTENTS**

Euthanasia manual shall be kept consistent with the publications listed below and reflect the current information for each. The manual shall include:

1. Current NC AWA and rules. [02 NCAC 52J .0803(1)] - In Compliance
2. Report of the AVMA Panel on Euthanasia – current revision, replacement, supplements or changes [02 NCAC 52J .0803(2)] - In Compliance
3. HSUS Euthanasia Training Manual – current copy. [02 NCAC 52J .0803(3)] - In Compliance
4. American Humane Association current euthanasia publication. [02 NCAC 52J .0803(4)] - In Compliance
5. Methods of euthanasia used by shelter and policy/procedures for each method. [02 NCAC 52J .0803(5)] - In Compliance
6. List of CET's, methods of euthanasia in which they are trained and date of training. [02 NCAC 52J .0803(6)] - In Compliance
7. Name, address and contact information for veterinarian responsible for the Annual Program of Veterinary Care. [02 NCAC 52J .0803(7)] - In Compliance
8. Name, address and contact information for veterinarians responsible for veterinary medical care of the animals. Contact information to include telephone numbers for working hours, after hours and holidays [02 NCAC 52J .0803(8)] - In Compliance
9. Euthanasia procedure for emergencies, after hours, holidays and weekends. [02 NCAC 52J .0803(9)] - In Compliance
10. Procedures when CET is absent and euthanasia is needed. [02 NCAC 52J .0803(10)] - In Compliance
11. Methods for verifying death after euthanasia. [02 NCAC 52J .0803(11)] - In Compliance
12. Name and contact information for euthanasia solution and tranquilizer/anesthesia drugs supplier(s). [02 NCAC 52J .0803(12)] - In Compliance
13. Original US DEA controlled substance registration [02 NCAC 52J .0803(13)] - In Compliance
14. MSDS for any chemical used for euthanasia [02 NCAC 52J .0803(14)] - In Compliance
15. MSDS for any anesthetic or tranquilizing drug used in facility. [02 NCAC 52J .0803(15)] - In Compliance
16. Notice of signs of human exposure to euthanasia agents. [02 NCAC 52J .0803(16)] - In Compliance
17. First aid procedures of accidental human exposure to euthanasia agents [02 NCAC 52J .0803(17)] - In Compliance
18. Contact information for medical treatment providers to include name of facility, telephone number for working and after hours, and directions to facility including a map [02 NCAC 52J .0803(18)] - In Compliance
19. If medical treatment provider does not provide after-hours service, then contact information for nearest emergency medical facility providing such service [02 NCAC 52J .0803(18)] - In Compliance

#### **General Comments:**

